HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24173 of 2006

Dated: 5.10.2007

Between:
M/s.Srinivasa Agencies

.... PETITIONER

AND

The Collector,
Civil Supplies, Visakhapatnam District and others.

.... RESPONDENTS

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24173 of 2006

ORDER:

This Court issued Rule Nisi on 20.11.2006 and granted interim suspension, and on 18.12.2006, this Court made an order in W.V.M.P. No. 2518 of 2006 to the effect that in view of the Division Bench judgment of this Court in Law Summary (AP) 1990(2), the interim suspension granted on 20.11.2006 is made absolute.

The writ petition is filed for a Writ of Mandamus declaring the proceedings of the 1st respondent in Rc. No. 175/2006 CSR 2, dated 17.11.2006 as illegal, arbitrary and without jurisdiction and consequently direct the respondents to drop all further proceedings against the petitioner in this regard and to pass such other suitable orders.

Several facts had been narrated. A detailed counter affidavit had been filed. But, however, it is brought to the notice of this Court that the proceedings under Section 6-A of the Essential Commodities Act, 1955 had been completed and a copy of the proceedings in C.C. No. 175 of 2006, CSR5, dated 7.5.2007 had been placed before this Court. The relevant portion reads as hereunder:

> "As per law, the power of search and seizure is vested with any Gazetted Officer of the Central or State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorized, by general or special order by the Government. Cl.9(a),(b)&(c) of 4(1) of the Petroleum Products (Maintenance of Production, Storage and Supply) order, 1999

clearly says this. Hence the search and seizure made by the Inspector of Police, Kasimkota/Anakapalli in respect of HSD and PDS K. Oil is not valid. In pursuance of the instructions issued on the report of Inspector of Police, the District Supply Officer, Visakhapatnam® has verified the Accounts, conducted density of HSD available in the underground tanks of M/s. Srinivasa Agencies and found no worth noted variations to deal u/S. 6-A of E.C. Act, 1955. Further the sample drawn from the HSD outlet is tallied with BSI specifications of HSD as reported by the expert Opinion in File No. CHE/372/2006, dated 15.2.2007 of Assistant Director, A.P.F.S.L., A.P., Hyderabad. Hence the stock of 22052 liters of HSD taken possession by the I.O.P. Kasimkota and on transfer by the District Supply Officer, Visakhapatnam® shall be released to its owner."

In the light of the aforesaid proceedings and also in view of the fact that while issuing Rule Nisi, interim suspension had been granted by this Court, no further orders need to be passed in this writ petition.

The writ petition is accordingly disposed of. No costs.

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P.S. NARAYANA,J

DATE: 5th October, 2007

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